
**CITY OF TEMPE
HEARING OFFICER**

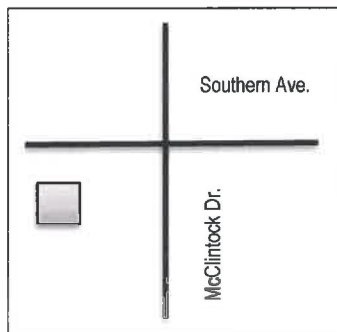
Meeting Date: 12/18/2018
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the McDonald Property located at 1418 E. Laguna Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$915.00 for abatement request, cut grass and weeds from front and back landscape, remove dead trees from front yard, and restore pool water to a clean and clear state.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the MCDONALD PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE185809: cut grass and weeds from front and back landscape, remove dead trees from front yard, and restore pool water to a clean and clear state.



Property Owner: Patrick McDonald
Applicant: City of Tempe – Code Compliance
Zoning District: R1-6, Single Family Residential
Code Compliance Inspector: Julie Scofield, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Barbara Simons, Code Inspector
Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the McDonald Property located at 1418 E. Laguna Drive, in the R1-6, Single Family Residential district. This case was initiated 08/29/2018, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

Project Submittal Application

City of Tempe
Community Development Department
31 E. 5th Street, Garden Level, Tempe, AZ 85281
(480) 350-4311 Fax: (480) 350-8677
Planning Fax: (480) 350-8872
www.tempe.gov



Project Information - Required

Project Name: McDonald Property Abatement	
Project Address: 1418 E Laguna Dr. Tempe AZ 85282	Suite No.: <input type="checkbox"/>
Proposed Use of Building/Suite: Single Family Residence	Existing Zoning: R1-C <input type="checkbox"/>
Legal Description: <input type="checkbox"/> Attached Tempe Gardens	Parcel No.: 133-371-102 <input type="checkbox"/>
Description of Work/Request: Abatement of CE185809	
Hearing is December 18 th 2018	
Valuation (for building plan review only):	

Applicant Information - Required

Company or Firm Name: Community Development	Telephone 1: (480) 350 8951	Ext: _____
Applicant's Name: Julie Scofield	Telephone 2: ()	Ext: _____
Applicant's Street Address: 21 E 6 th St	Fax: ()	
City: Tempe	State: AZ	Zip: 85281
Applicant Signature: Julie Scofield	Email Address(es): Julie.Scofield@tempe.gov	Date: 11/8/18

For City Use Only

Planning	Fees	Building	Engineering	Submitted Materials
<input type="checkbox"/> Recordation		<input type="checkbox"/> New Building	<input type="checkbox"/> Engineering	<input type="checkbox"/> Building <input type="checkbox"/> Fire
<input type="checkbox"/> SPR		<input type="checkbox"/> Complete		<input type="checkbox"/> Planning <input type="checkbox"/> Signs
<input type="checkbox"/> PL Dev Plan Review		<input type="checkbox"/> Prelease	<input type="checkbox"/> Revision	<input type="checkbox"/> Engineering
<input type="checkbox"/> Sign Permit		<input type="checkbox"/> Basic	Tracking Nos.:	
<input type="checkbox"/> Use Permit		<input type="checkbox"/> Add/Alt.	DS _____	
<input type="checkbox"/> Variance		<input type="checkbox"/> TI	BP _____	<input type="checkbox"/> Spec Book(s) <input type="checkbox"/> Soils Report
<input type="checkbox"/> General Plan Amend		<input type="checkbox"/> MF	FR _____	<input type="checkbox"/> Structural Calcs <input type="checkbox"/> Report
<input type="checkbox"/> Zoning Amend		<input type="checkbox"/> NRes	RA _____	<input type="checkbox"/> Truss Calcs <input type="checkbox"/> Materials
<input type="checkbox"/> Zoning Verification Letter		<input type="checkbox"/> Res Remodel/Add	EN _____	<input type="checkbox"/> Hydraulic Calcs <input type="checkbox"/> Color Board
<input type="checkbox"/> Subdivision/Condo		<input type="checkbox"/> Pool	RAE _____	<input type="checkbox"/> Parking Analysis <input type="checkbox"/> Haz Mat Form
<input type="checkbox"/> PAD Overlay		<input type="checkbox"/> Demo	PL _____	<input type="checkbox"/> Lighting Cut Sheets <input type="checkbox"/> Other: _____
<input type="checkbox"/> Legal Posting Signs		<input type="checkbox"/> Grading Only	SPR _____	Total Valuation:
<input type="checkbox"/> Administrative Decision		<input type="checkbox"/> Phased Constr	SGN _____	Total Submittal Fees:
<input checked="" type="checkbox"/> Abatement		<input type="checkbox"/> Phased Constr w/UG MEP	GO _____	Validation:
<input type="checkbox"/> Shared Parking		<input type="checkbox"/> Structural Frame	SE _____	Date Stamp:
<input type="checkbox"/> CCR Review		<input type="checkbox"/> MEP Only	ZP _____	
<input type="checkbox"/> Continuance		<input type="checkbox"/> Mobile Home	MCA Code:	
<input type="checkbox"/> Appeal		<input type="checkbox"/> Factory Built Bldg	File With:	
<input type="checkbox"/> Other _____		<input type="checkbox"/> Deferred submittal	Received By:	
		<input type="checkbox"/> Revision		
		<input type="checkbox"/> New Standard		
		<input type="checkbox"/> Permits based on Standard #		
		<input type="checkbox"/> Siting		
		<input type="checkbox"/> Other _____		

DATE: 11/08/2018
TO: Mike Spencer, Sr. Code Inspector
FROM: Julie Scofield
SUBJECT: Mcdonald Property Abatement

LOCATION: 1418 E. Laguna Dr. Tempe, AZ 85282

PARCEL: 133-37-162

OWNER: Patrick McDonald
1418 E. Laguna Dr.
Tempe, AZ 85282

FINDINGS:

08/29/2018 Complaint came into Neighborhood Enhancement (CE185809) for this property regarding a deteriorated pool. The property was inspected. The swimming pool is green, there is over height grass/weeds in the back yard of the property and dead tree in the front yard of the property.

09/13/2018 The property was re-inspected. The property is still in violation. A final notice was mailed to the owner.

10/03/2018 A notice was hung on the front door asking for contact or compliance by 10/9/2018 to avoid a possible citation.

10/10/2018 A reinspection of the property took place. The landscape and the pool are still in violation. A citation was issued to the owner for these two violations. Pictures were taken the same day the citation was issued.

10/23/2018 Another complaint came in for this property regarding the landscape and the green pool.

10/06/2018 There has been no change to the condition of the property. The owner has not paid the citation and has yet to bring the property in compliance. Requesting a bid to clean up the property. The abatement hearing is set to be December 18th, 2018.

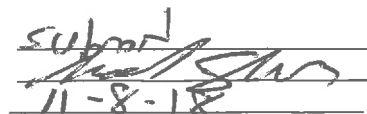
RECOMMENDATIONS:

I am recommending the approval for the abatement at 1418 E. Laguna Dr. The property is owned by Patrick McDonald. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. Several notices were mailed, and a citation was issued. Would also like to request a 180-day open abatement in the event the property comes into violation in the future.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:
NAME
DATE:


11-8-18



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

11/07/2018

PATRICK MCDONALD
1418 E. LAGUNA DR.
TEMPE, AZ 85282

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

Legal: TEMPE GARDENS
Location: 1418 E. LAGUNA DR. TEMPE, AZ 85282
Parcel: 133-37-162

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **12/18/2018**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

Violation of City of Tempe Code 21-3-B-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Violation of City of Tempe Code 21-3-B-16

Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

1. **CUT ALL OVER HEIGHT GRASS/WEEDS FROM THE FRONT AND BACK OF THE PROPERTY.**
2. **REMOVE OR CUT DOWN TO GROUND LEVEL THE DEAD TREE(S) FROM THE FRONT YARD.**
3. **RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGAE, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.**

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$915.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Inspector: Julie Scofield

Phone Number: (480)350-8951

E-mail: julie_scofield@tempe.gov

HAMANN ENTERPRISES, LLC

4001 W CAMELBACK RD C30

PHOENIX, AZ 85019

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE SCOFIELD

FIRM: CITY OF TEMPE

DATE: 11/2/18

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T18-011-03

ADDRESS: 1418 W LAGUNA AVE

1 LANDSCAPE FRONT AND BACK YARD	\$840.00
TREE REMOVAL AND POOL PUMPING	
2 ESTAMATED DUMP FEES	\$75.00
3	\$0.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$915.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

08/29/18

MCDONALD PATRICK
1418 E LAGUNA DR
TEMPE, AZ 85282

Case#: CE185809

Site Address: 1418 E LAGUNA DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 09/12/2018

This is a notice to inform you that this site was inspected on 08/29/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

Violation of City of Tempe Code 21-3-B-16

Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

Violation of City of Tempe Code 21-3-B-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGAE, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.
2. PLEASE CUT DOWN TO GROUND LEVEL OR REMOVE THE DEAD TREE FROM THE FRONT OF THE PROPERTY.
3. PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE BACK YARD OF THE PROPERTY.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

09/13/18

MCDONALD PATRICK
1418 E LAGUNA DR
TEMPE, AZ 85282

Case#: CE185809

Site Address: 1418 E LAGUNA DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 09/27/2018

This is a notice to inform you that this site was inspected on 09/13/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

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2. PLEASE CUT DOWN TO GROUND LEVEL OR REMOVE THE DEAD TREE FROM THE FRONT OF THE PROPERTY.
3. PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE BACK YARD OF THE PROPERTY.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

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City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1701666		Case Number		Social Security Number		Military <input type="checkbox"/>		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial <input type="checkbox"/> Haz. Material	
Driver's License No.				DLP <input type="checkbox"/>		State		Class		Endorsements M H N P T X D			
										Incident Report Number CE185809			
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language													
Defendant		Name (First, Middle, Last) Patrick McDonald										Juvenile <input type="checkbox"/>	
Residence Address, City, State, Zip Code 1418 E Laguna Dr. Tempe AZ 85282												Telephone: (cell phone) <input type="checkbox"/>	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	Email Address					
Business Address, City, State, Zip Code												Business Phone No.	
Vehicle		Color		Year		Make		Model		Style		License Plate	
Registered owner & address, City, State, Zip Code										Vehicle Identification Number			
The Undersigned Certifies That:													
On	Month	Day	Year	Time	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed		Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace		Direction of Travel
At	Location 1418 E Laguna Dr.								<input checked="" type="checkbox"/> Tempe 85282		State of Arizona		Area Dist.
The Defendant Committed the Following:													
A	Section:		21-3-B-8		ARS	Violation:		Deteriorated Landscape			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic
	Docket Number				Disp. Code:	Date of Disposition:		Sanction:		<input checked="" type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
	MVD												
B	Section:		21-3-B-16		ARS	Violation:		Deteriorated Swimming Pool			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic
	Docket Number				Disp. Code:	Date of Disposition:		Sanction:		<input checked="" type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
	MVD												
C	Section:				ARS	Violation:					<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic
	Docket Number				Disp. Code:	Date of Disposition:		Sanction:		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
	MVD												
D	Section:				ARS	Violation:					<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic
	Docket Number				Disp. Code:	Date of Disposition:		Sanction:		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
	MVD												
E	Section:				ARS	Violation:					<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic
	Docket Number				Disp. Code:	Date of Disposition:		Sanction:		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
	MVD												
You must appear on the date and time indicated at:		Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753				<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor		Date: 10/24/18		Time: Between 9AM & 4PM			
		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor		Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM					
		Court:		Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM Court No.					
Court Address, City, State, Zip Code													
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.						Victim? <input type="checkbox"/> Victim Notified? <input type="checkbox"/>							
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.						I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.							
X Posted										8022 PSN			
Comments: Juvenile Notification: Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____													
Date issued if not violation date													

COMPLAINT



1701666



